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ABSTRACT

An English-language transcript of the Administration of the Institutions of Higher Education Act of Denmark (Act No. 362 of June 13, 1973 as amended in pursuance of Act No. 328 of June 10, 1976) is provided. General provisions lay out the responsibilities of the Ministry of Education in regard to higher education institutions. Responsibilities of the primary institutional administrators are outlined, as are the powers of collegiate governing councils. Election of academic administrators and representatives on the governing councils is spelled out in detail. The scope of interest and authority of the governing bodies is defined, and briefing, discussion, and voting systems are outlined. Special rules applying to specialized institutions or departments, non-state funding, museums, funding of student organizations, and governance groups are listed. Personnel supervision and grievance procedures are given, and temporary provisions are noted. (MSE)

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THE ADMINISTRATION OF THE INSTITUTIONS OF HIGHER EDUCATION ACT

(Act No. 362 of 13rh June, 1973, as amended in Pursuance of Act No. 328 of 10th June, 1976).

Ministry of Education
Frederiksholms Kanal 21
1220 Copenhagen K
Denmark
1978

HE 013 585

INTRODUCTION

As will appear from the following pages, the Ministry of Education has translated Act No. 362 into English, together with incorporated amendments as per Act No. 328 of 10th June, 1976.

Act No. 362 is called

THE ADMINISTRATION OF THE INSTITUTIONS OF HIGHER EDUCATION ACT OF 13TH JUNE, 1973.

To make things easier for the reader, the Ministry of Education has prepared a list of words covering English and Danish names of permanent bodies etc., at the institutions of higher education.

List of words

page 2	board of studies	studienævn
- 5	central boards of studies	centrale studienævn
- 2	collegiate bodies	kollegiale organer
- 2	council	råd
- 13	complaints committee	ankekommission
- 2	departmental council	institutråd
- 3	faculty	fakultet, faggruppe
- 2	Governing Body	Konsistorium
- 10	principal	institutbestyrer
- 2	Rector (Vice-Chancellor)	Rektor
- 5	subject group	faggruppe

Act No. 362 of 13th June, 1973

The Administration of the Institutions of Higher Education Act

Part 1

General Provisions

1. This Act will apply to universities, university centres, and institutes of higher education under the Ministry of Education.

2.1. Universities, university centres, and institutes of higher education will conduct research and give a higher education to the most advanced scientific level within such fields as will be laid down by the Minister of Education for each individual institution. The institutes mentioned will contribute to spreading knowledge of scientific working methods and results.

2.2. The institutions themselves will decide on the research to be carried out, see section 31.

2.3. The Minister of Education will lay down the rules for:

1. The admission to the studies
2. The courses of study
3. The acquisition of licentiate degrees and doctor's degrees
4. The appointment of teachers and research fellows
5. The expulsion of students.

Before the Minister of Education lays down these rules, the institutions concerned will be given an opportunity to express their views unless the proposals are theirs.

2.4. The institutions will prepare for and hold examinations and tests which are referred to them. The examinations and tests will be held with the collaboration of external examiners appointed by the Minister of Education or by a person appointed by the Minister to act on his behalf.

2.5. The lectures and oral examinations of the institutions are public, subject, however, to restrictions fixed by each individual institution.

3.1. Each institution will be administered by a Rector (Vice-Chancellor) assisted by the Governing Body and the councils, departmental councils, and boards of studies which will attend to the educational and research activities of the institutions.

3.2. The relevant rules governing the administration of each individual department will be laid down in a statute to be approved by the Minister of Education. The statute will be published by order of the Minister of Education.

Part II

Rector(Vice-Chancellor), Pro-Rector (Deputy Vice-Chancellor), and the Administration.

4. The Rector will represent the institution outwardly. He will be responsible for the daily management of the administration of the institution and for dealing with matters not referred to collegiate bodies by this Act or by the statute.

5.1. The Rector will ensure that matters on which a collegiate body should decide or be given an opportunity to express its views will be submitted to the body in question. He will distribute the relevant matters to the collegiate bodies, and will, if necessary, prepare directions for dealing with these matters. He will ensure that the decisions of the collegiate bodies are lawful and that they are carried out. Acting on authority from these bodies, he may settle general, current matters which do not give rise to any doubts.

5.2 The Rector will settle matters which admit of no delay and consequently cannot be dealt with by the collegiate bodies. Such decisions will be made known with a minimum of delay to the Governing Body and to the collegiate body concerned.

5.3. The Rector may direct the collegiate bodies to discuss and express their views on subjects of importance to the institution.

5.4. The Rector may direct one or more teachers or other employees to consider and submit a recommendation on subjects of importance to the institution.

6.1. The Pro-Rector is the Rector's deputy and as such he will assist the Rector in his duties.

6.2. When the Pro-Rector acts as Rector in the latter's absence, he will take over all duties incumbent on the Rector by this Act and the statute.

7. The Rector will have an administration at his disposal, headed by an administrator trained for the purpose.

8. The relevant rules governing the activities and powers of the Rector, the Pro-Rector, and the administration will be laid down in the statute.

Part III

The Powers of the Collegiate Bodies

9.1. The Governing Body is the highest collegiate body of the institution. It will decide all matters concerning the institution as a whole or the relations between two or more faculties.

9.2. The Governing Body will draw up proposals for the statute and standard rules of procedure of the collegiate bodies.

9.3. As part of a country-wide plan, the Minister of Education may set up or abolish departments on receipt of recommendation or after obtaining expert opinion from the Governing Body. Interdisciplinary departments may be established, and they will be placed directly under the Governing Body, or a committee appointed by the Governing Body.

9.4 The Governing Body will decide matters concerning the expulsion of students.

9.5 The Governing Body will decide the awarding of honorary doctorates.

The Governing Body may set up a budget and executive committee. This committee will submit proposals for the budget of the institution. Moreover, the committee may be empowered by the Governing Body to act on its behalf. A budget and executive committee must be set up if the Governing Body consists of 12 or more members.

9.7. Moreover, the Governing Body may set up committees from among its own number and vest its powers in them.

10.1. Institutions which have their own research libraries will set up library committees with the head of the research library in the chair.

10.2. For each individual institution the Minister of Education will fix the conditions for users inside as well as outside the institution.

10.3. The committee will draw up the budget of the library, decide the purchasing policy of the library and the distribution of books among the central library and the individual departmental libraries.

11.1. Research and training at the institutions may be conducted in several faculties.

11.2. Research and training within each faculty will be directed by a council which will decide all matters concerning the faculty as a whole, and the questions concerning relations between two or more subject groups within the faculty, see section 12, or between departmental councils and boards of study.

11.3 The councils will decide appointments or recommendations of appointments, dismissals or leave in respect of full-time teachers and research fellows and external lecturers. The councils will award licentiate degrees and doctor's degrees and jus docendi or the right to teach at a university. The councils will submit to the Governing Body recommendations on the awarding of honorary doctorates.

11.4. The councils will decide the distribution of the allocated means among the individual subjects, departments, and boards of studies.

11.5. Each council may set up a budget and executive committee which will draw up the budget of the faculty. Moreover, the committee may be empowered by the council to act on its behalf. A budget and executive committee must be set up if the council consists of 12 or more members.

11.6. Each council will set up special expert committees to assess applicants for academic posts, scientific or scholarly work submitted with a view to acquiring a licentiate degree or a doctor's degree, and applications for jus docendi. The committee will submit recommendations to the council concerned.

11.7. Moreover, each council may set up committees from among its own number and vest its powers in them.

12.1. It may be laid down in the statute that one faculty be divided into two or more subject groups. A subject group will be directed by a council which will take over some of the functions laid down in subsections 2 to 7 of section 11. The rules to this effect will be laid down in the statute.

13.1. The research activities in the individual subject areas will normally be carried out in the departments. At the same time, research fellows and teachers who are attached to the department will undertake the instruction in the subject area, and the premises and the equipment of the departments will be at the disposal of this instruction to the extent required.

13.2. The departmental council will decide the allocation of the duties resting with the department, see, however, section 31. The departmental council can determine the choice of research work of the individual research worker.

14.1. A central board of studies will be set up for each faculty. Boards of studies may be set up for subject groups, subjects, lines, or parts of subjects. The relevant rules will be laid down in the statute.

14.2. The central board of studies will decide the division of powers between itself and the other boards of studies and also between the latter boards of studies.

14.3. On the recommendations of the boards of studies, the central board of studies will consider all questions concerning the general rules for examinations, marking, teaching, and curriculum. Moreover, the central board of studies will consider proposals for amending the examination regulations. Proposals should be submitted to the Minister of Education through the board concerned and the Governing Body, accompanied by the proposals or comments, if any, of these Bodies.

14.4. Within the scope of the existing regulations concerning examinations, markings, etc., and the grants received, the relevant boards of studies will draw up and bring up to date a curriculum

stating the aim, extent, duration, form and contents of the instruction together with a description of the examination syllabus. The boards of studies will organize the instruction and the holding of examinations.

14.5. The boards of studies will ensure that studies can be carried through as provided for in the examination regulations and in the curriculum and within the time fixed, that the individual parts of the course are coordinated, that the scope of the individual subjects or disciplines is not unreasonably altered, and that the instruction given is relevant to the aims of the course and to the fixed examination demands.

14.6. The board of studies may grant exemptions from the curricula and the examinations system in accordance with the existing provisions. The applicant may bring the decision before the central board of studies.

14.7. According to rules laid down by the Minister of Education, see section 2, subsection3, no. 4, the board of studies will, moreover, decide the question of the employment of part-time staff, instructors paid by the hour, and teachers employed under similar conditions. The decisions of the board of studies may be submitted to the central board of studies by the applicants, by one or more experts who have expressed their views on the qualifications of the applicants, or by a member of the board of studies. The board of studies must have an opportunity to express its views on the establishment and abolition of other teaching posts and on the education qualifications of the applicants for these posts.

14.8. Other questions concerning instruction within the field of a board of studies must be submitted to the central board for comment before the matter is settled.

Part IV

Election of Rector and Pro-Rector. The composition of the Collegiate Bodies.

15.1. The Rector and the Pro-Rector will be elected among the professors or full-time lecturers of the institution, by the members of the councils mentioned in sections 11 and 12 and by those members of the Governing Body who are not on these councils.

15.2 The candidate who has obtained more than one half of the valid votes cast wins the election. If no candidate obtains one half of the votes, a second vote will be taken between the two candidates with the highest number of votes. If two or more candidates have obtained the same number of votes, they will participate in the second vote. The candidate who obtains the highest number of votes at the second vote wins the election. If several candidates have obtained the same number of votes in the second vote, lots will be drawn between them.

15.3 The Rector is elected for three years and the Pro-Rector for two years at a time.

16.1 The Governing Body and the councils referred to in sections 11 and 12 will consist of between 8 and 32 members.

16.2 Ex officio members of the Governing Body are the Rector, the Pro-Rector, and the chairmen of the councils mentioned in section 11, subsection 2. The head of the administration together with the chief departmental librarians will participate in the meetings of the Governing Body, but without the right of voting.

16.3 The number of members of the Governing Body and the councils will be laid down in the statute. In special cases, the Minister of Education will be empowered to approve an increase in the number of members beyond 32.

17.1 Representatives of full-time research fellows and teachers in the Governing Body and the councils will be elected for three years at a time from among those who are employed within the field concerned.

17.2 Representatives of the part-time research fellows and teachers in the Governing Body and the councils will be elected for one year at a time from among those who are employed within the field concerned. At least one representative will be elected for each body. If no candidates are nominated for the part-tire employees, then their mandates may be taken over by the full-time staff for one year at a time.

17.3 Representatives of the technical and administrative members of the staff in the Governing Body and the councils will be elected for three years at a time from among those who are employed within the field concerned. The representation of this staff will constitute

one half of the total number of representatives of the teaching staff. If the number of this staff is below one half of the t tal nurber of teachers, their share will be reduced to one fourth. The size of the representation of the individual councils will be laid down in the statute.

17.4 The students' representatives in the Governing Body and councils will be elected for one year at a time by and from among the students who have matriculated in the field concerned. The students' representation will constitute one half of the total number of the representatives of the teaching staff.

18.1 The departmental council will consist of all full-time teachers and research fellows together with representatives of the technical and administrative staff and of the students taking part in the instruction for which the department is responsible. It may be laid down in the statute that the external lecturers and other groups of teachers may be represented in the departmental council.

18.2 The number of representatives of the technical and administrative staff and students for each individual department will be laid down by the Governing Body or, according to its decision, by the councils mentioned in sections 11 and 12; their number cannot exceed half the total number of members of the departmental council.

18.3 The representatives of the technical and administrative staff and the students will be elected for up to one year at a time. The relevant rules will be laid down in the statute.

19.1 Each board of studies will consist of an equal number of teachers and students, not exceeding 12 in all. They will be elected for one year at a time from among the teachers who give instruction and the students who study within the field of the board of studies concerned.

19.2 Members of the central board of studies will be appointed by the boards of studies of the faculty. The number of members of the central board of studies will be fixed by the Governing Body. The central board of studies may set up executive committees the number of whose members will be laid down by the Governing Body. The relevant rules will be laid down in the statute.

20.1 Rules governing the exercise of the right of voting will be laid down by the Minister of Education. The election procedure will be laid down with a view to securing a reasonable representation of the various subjects and views.

20.2 Elections to the Governing Body will always be based on proportional representation. For each election in their own area, the representatives of the individual subject groups in the councils mentioned in sections 11 and 12 will decide the method of the election to be used. But elections will be based on proportional representation if this is demanded by one of the representatives or by a number of persons in a subject group with a right to vote, corresponding to one quarter of those entitled to vote for each mandate. Electoral pacts may be formed between groups and/or candidates.

20.3 If within a subject group, one of the representatives, or a number of those who have a vote corresponding to a quarter of those who have a vote for each mandate so demands, then, at elections by proportional representation, each area will comprise either 3 mandates or a number of mandates divisible by 3. The elections will be held without any division into areas of representation if the number of mandates is not divisible by 3. When distributing the mandates between the areas of representation, allowance may be made both to the number of those within the area who have a vote and to the value of expert or other views being represented.

20.4 The application according to subsection 2, point 3, and subsection 3, point 2, must be submitted to the Rector in writing not later than 30 days before elections are due to be held, either by one of the representatives or by 5 persons who have a right to vote. In the latter case, the application should be signed by the number of persons mentioned in subsections 2 and 3.

21.1 The term of office of the collegiate bodies will be laid down in the statute.

21.2 If collegiate bodies are established during the election terms, the election of the members will apply for the remainder of the term. If the bodies are abolished, the mandate will be lost.

Part V

The Functions of the Collegiate Bodies

22.1 The Rector is chairman of the Governing Body. The chairman of the other collegiate bodies will be elected by the body concerned for the term laid down in the statute. In the councils mentioned in sections 11 and 12, the chairman will be elected from among the full-time research fellows and teachers.

22.2 According to rules laid down in the statute, the departmental council will elect from among its full-time staff a principal who will represent the department outwardly and be responsible for the daily administration of the department. According to rules also laid down in the statute, the departmental council may, moreover, elect a governing body. The principal is an ex officio member and chairman of the governing body. If the departmental council consists of 40 or more members, the departmental council will elect a governing body which will take over parts of the functions of the latter. The relevant rules will be laid down in the statute.

22.3 The collegiate bodies will lay down their own rules of procedure within the framework of the regulations of this Act, and the standard rules of procedure laid down by the Governing Body.

23.1 When and where ordinary meetings are to be held, will be laid down in the rules of procedure of the collegiate bodies.

23.2 Extraordinary meetings will be held when the chairman considers this necessary; they must be held, however, if and when one third of the members of the body or at least one of the groups represented demand it.

23.3 Before the meeting, the chairman will, to the utmost extent, brief members about the questions to be discussed at the meeting and, as far as possible, see to it that the questions and the information procured for elucidating these are made available to members for examination of same and are open for inspection for a suitable period of time before the meeting is held.

23.4 The chairman will see to the announcement of the time and place of the meeting.

24.1 The collegiate bodies will perform their functions in the course of meetings. In the event of agreement by all members, routine matters may, however, be settled in writing. The meetings will be public, unless the nature of the question, or circumstances, make it desirable or necessary to deal with the question in camera.

24.2 Questions concerning the personal and financial situation of individuals including questions concerning appointments, promotions, and dismissals, and questions concerning plans or negotiations concerning the purchase or sale of real estate, the assessment of orders to or offers from suppliers or contractors, will be dealt with in camera. In such matters the members will be bound by professional secrecy.

24.3 The Rector or a person appointed by him will have a right to attend the discussion of a question in camera.

25.1 The collegiate bodies will form a quorum when at least one half of the number of members laid down in the statute are present.

25.2 Decisions will be made by a simple majority among those present unless otherwise laid down by the Minister of Education.

25.3 The election by the collegiate bodies of two or more members to committees, commissions, and the like will be based on proportional representation.

26.1 The decisions of the collegiate bodies will be recorded in the minutes of the decisions arrived at and these will be submitted for approval at the following meeting. Each dissenting member may demand a brief mention of his views in the minutes covering decisions, and in the case of questions which have to be submitted to another authority, the member may demand that the said authority be acquainted with the contents of the minutes. The member in question may include an explanation of his views in the matter due for despatch.

27.1 A collegiate body may decide that a member has such an interest in a matter that he is incompetent to negotiate and vote on the matter.

27.2 A member must inform the collegiate body if there are circumstances which may give rise to doubts about his competence to act.

28.1 If a member of a collegiate body loses his elegibility during the election term, or is declared incompetent, or if, as a result of absence of at least two months owing to illness, study tours, or the like, he is unable to take part in the work of the collegiate body, the collegiate body will appoint a substitute for him. A collegiate body will alone decide whether a substitute should be appointed.

Part IV
Special Rules

29.1 In institutions exclusively concerned with teaching and conducting research within one faculty, the establishment of the council mentioned in section 11 may be omitted, and the Governing Body will then deal with all questions.

30. An institution will be entitled to receive grants from quarters other than the Treasury and to set up funds and scholarships for such grants. The funds and scholarships will be kept outside the Treasury, and only the bodies appointed by the institution itself in accordance with the rules laid down for the individual fund or scholarship may draw on such funds.

31. The Minister of Education will lay down relevant rules for the departments, etc., which, according to legislation, are committed to carry out certain duties.

32. The Minister of Education will lay down the necessary rules for the administration of the museums and collections belonging to the institutions covered by this Act.

33.1 With a view to safeguarding the students' interests, the Minister of Education may make grants from the Treasury to students' organizations represented in the Governing Body.

33.2 The allocation of grants to the individual student group will be commensurate with its share in the total number of votes cast by the students in the elections to the Governing Body.

34. The institutions will place premises and office staff at the disposal of the groups represented in the governing bodies, according to rules laid down by the Minister of Education.

Part VII

Supervision and Complaint

35.1 The Minister of Education is the highest administrative authority of the institutions covered by this Act.

35.2 However, the Minister of Education may rescind the decisions referred to in Part III only if they are found to be contrary to legislation and to general legal principles. On the other hand, the expulsion of a student may always be brought before the Minister of Education by the student in question.

36.1 Complaints from a candidate about an examination or the marking may be brought before a complaints committee by the candidate in question.

36.2 The members of the complaints committee will consist of the chairman of the external examiners or his vicechairman and four members, two of them external examiners, appointed by the board of studies of the subject..

36.3 A decision by the complaints committee may result in

1. An alteration of the mark awarded.
2. An oral or written reexamination.
3. A reevaluation of the written examination papers by other external examiners.
4. A rejection of the complaint.

36.4 The decisions of the complaints committee cannot be brought before any other administrative authority.

36.5 The rules relating to the treatment of complaints mentioned in subsection 1 of this section, including a time-limit for lodging complaints, will be laid down by the Minister of Education.

37. If a collegiate body does not function, or if it functions contrary to this Act, the Minister of Education may, on the recommendation of the Governing Body, set up a temporary administration for the area in question, thereby setting aside sections 10-14.

Part VIII

Temporary Provisions and Provisions due to be put into Effect

38. The Minister of Education may lay down rules for the university

centres in Odense and Ålborg, which will mean a departure from the provisions of this Act to the extent required for the establishment of the centres.

39. This Act will take effect upon its publication in the Law Gazette.

40.1 For the individual institution, this Act will take effect from the time the statute of the institution, see section 3, subsection 2, comes into effect, but not later than 1st September, 1974. In special cases, the Minister of Education may set this provision aside.

40.2 In the collegiate bodies already set up when this Act came into effect, see section 39, the mandates of the members will be extended until the statute has come into force. For the term mentioned, the joint committee will appoint representatives for the technical and administrative staff to the Governing Body and councils. These members will have full voting rights in all statutory matters. The share in representation will be fixed in accordance with the rules of this Act. In the institutions in which students' representation in the collegiate bodies does not correspond to the rules of this Act, their representation will be supplemented for the term mentioned according to the election rules in force at the institution in question.

40.3 Other administrative directions applying to the individual institutions will remain in force until they are revoked by the Minister of Education after the coming into effect of the statute.

40.4 After negotiations with the Schools of Economics and Business Administration in Copenhagen and Århus, the Minister of Education will be empowered to decide when and to what extent these institutions will be covered by this Act.

41. The following provisions will be revoked, see, however, section 40, subsection 1:

1. The Administration of the Universities Act no. 271 of 4th June, 1970 (Lov om universiteternes styrelse).
2. The Royal Danish School of Educational Studies Act no. 50 of 25th February, 1963, sections 2 and 4 (Lov om Danmarks Lærerhøjskole).
3. The Royal Danish Veterinary and Agricultural University

Act no. 177 of 7th June, 1958 (Lov om den kgl. Veterinær- og Landbohøjskole).

Made at Christiansborg Castle this thirteenth day of June, 1973.

Under our Royal Hand and Seal

MARGRETHE R

/Knud Heinesen

J.nr. 91-1o-2-78